

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
(BOSTON, MA)

ADE GEORGE OYEBOLA,

Petitioner/Plaintiff

vs.

TOM RIDGE, Secretary, DHS
JOHN ASHCROFT, Attorney General, USDOJ
EDUARDO AQUIRRE JR., Director, USCIS
DENNIS RIORDAN, District Director-Boston, USCIS
Respondents/Defendants

C.A.NO. 04-10318-RGS

USCIS # A028-408-457

**PETITIONER'S OPPOSITION TO
"RESPONDENT'S MOTION TO EXTEND TIME IN WHICH TO RESPOND TO
PETITIONER'S COMPLAINT FOR MANDAMUS" BY 54 DAYS**

1. NOW COMES Petitioner, ADE GEORGE OYEBOLA, Pro Se, in opposition to Respondents' motion, as presently constituted, requesting for an extension of the time required to respond to Petitioner's "Petition for Hearing on Naturalization Application and Complaint for Mandamus, Declaratory and Injunctive Relief" filed with this court on February 17, 2004.

2. The Petition for Hearing on Naturalization Application and Complaint for Mandamus, Declaratory and Injunctive Relief filed in this case was served on the United States Attorney's Office by certified mail on

February 18, 2004. The Respondents' answer is due by April 19, 2004.

3. The Respondents now seeks a 54 day "extension of time up to and including June 11, 2004, to answer or otherwise respond to Petitioner's Complaint." The Respondents assert the additional time is needed "to obtain relevant facts and background information of this matter from the relevant agency (Department of Homeland Security)."

4. The Petitioner hereby opposes the request for extension, as presently constituted, for the following reasons:

(a) This petition relates to a Naturalization Application that was filed on February 25, 1997.¹ **The Naturalization application has been pending for over seven years (7 years) before the USCIS. Granting this motion in its present form will unduly further delay Petitioner's citizenship acquisition.**

(b) The USCIS last acted on the application on May 22, 2001, when it conducted an administrative hearing on the matter.² **The USCIS has failed to make**

¹ See Exhibit 1 of Petition & Complaint

² See Exhibit 6 of Petition & Complaint

any decision one thousand and sixty three days (1,063 days or 3 years) after this hearing.

(c) The USCIS consistently refused to respond to several inquiries on the status of the application including requests from the Office of Joseph Lynch, Member US House of Representative, and upon information and believe USCIS' own internal counsel Henry Hanley Esq., of the Litigation Unit USCIS Boston Office.

(d) Any and all additional delays in obtaining a resolution on Petitioner's Naturalization application will aggravate the harm already caused by the inordinate and unexplained refusal of the USCIS to act. Petitioner continues to suffer irreparable harm by the effective denial of citizenship benefits to which he is entitled, seven (7) years after filing the application.

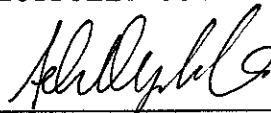
(e) The Respondent's motion was filed in violation of Local Rule 7.1(a) (2) which states that "No motion shall be filed unless counsel certify that they have conferred and have attempted in good faith to resolve or narrow the issue." While, the Respondents claimed exception to this rule because Petitioner is a Pro Se litigant, good faith effort

requires that respondent should have notified the
Petitioner of his intention when the Petitioner called
his office on April 15, 2004 to inform the Office of
the answer and response due date.

FOR ALL THE FOREGOING REASONS, Petitioner respectfully
prays that Respondents' motion for a 54 day extension be
denied, and in the alternative that the respondent be
granted a 15 day extension of time up to and including May
4, 2004 to file an answer or otherwise respond to
Petitioner's Complaint.

FURTHER, Petitioner respectfully prays that this Court
issue an order directing that no further extension of time
will be granted to Respondents in any matter on this case.

RESPECTFULLY SUBMITTED,




Ade George Oyegbola
Petitioner, Pro Se
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Randolph, MA 02368
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DATED: APRIL 19, 2004

CERTIFICATE OF SERVICE

I, Ade George Oyegbola, certify that on April 19, 2004, I caused a copy of the foregoing Motion to be served by first class mail, postage pre-paid to Michael Sady, Assistant U.S. Attorney at John Joseph Moakley U.S. Courthouse, Suite 9200 Boston, MA 02210


Ade George Oyegbola
Petitioner, Pro Se